

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>STATE OF OHIO, ex rel.</b>	:	<b>CASE NO. 2:16-cv-00802</b>
<b>DAVE YOST</b>	:	
<b>OHIO ATTORNEY GENERAL</b>	:	<b>JUDGE SARGUS</b>
	:	
<b>Plaintiff,</b>	:	<b>MAGISTRATE JUDGE JOLSON</b>
	:	
<b>v.</b>	:	
	:	
<b>JOHN G. BREEN, <i>et al.</i></b>	:	
	:	
<b>Defendants.</b>	:	

**JOINT STATUS REPORT**

Plaintiff, the State of Ohio (“State”), Trabue Dublin, LLC (“Trabue Dublin”), and SRDH, LLC (“SRDH”) hereby submit this Joint Status Report. On September 10, 2021, the Court entered a Notation Order stating that the parties shall file a status report informing the Court whether there remains any live controversy. The State has no live controversy with Trabue Dublin or SRDH. Consent Decrees have been entered between the State and those parties resolving any remaining issues. However, a live controversy exists with respect to John G. Breen, Janice Breen, and John E. Breen (“the Breen Defendants”).

On March 11, 2019, a bench trial was held between the State and the Breen Defendants. Shortly thereafter—but before the Court issued its decision—all parties jointly filed a motion to stay proceedings. The purpose of this request was to facilitate settlement negotiations between Trabue Dublin, SRDH (previously Donald Dick), and the State. The Court granted the motion and filed an order staying the case until December 16, 2019. The Court subsequently issued an order administratively closing this case during the pendency of the stay. The parties regularly kept the Court abreast of the status of settlement negotiations by filing status reports.

On November 6, 2020, the State filed a Motion to Lift Stay, which the Court granted on December 3, 2020. Since that time, the State and SRDH filed an Amended Consent Decree (July 26, 2021), and the State and Trabue Dublin filed a Consent Decree (July 20, 2021). Thus, the only outstanding controversy in the matter is between the State and the Breen Defendants.

Additionally, the Court held a status conference with all parties on December 2, 2020. At that status conference, the Court conveyed that it was nearly ready to issue its decision regarding the March 11, 2019 trial; it just needed a brief period of time to finalize the decision. Therefore, the State, Trabue Dublin, and SRDH respectfully request this Court to enter its final judgment pertaining to the March 11, 2019 trial between the State and the Breen Defendants.

Respectfully submitted,

s/ Karrie P. Kunkel  
Karrie P. Kunkel (0089755) *Trial Attorney*  
Janean R. Weber (0083960) *Co-Counsel*  
Assistant Attorneys General  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, Ohio 43215  
Phone: (614) 466-2766  
Fax: (614) 644-1926  
Karrie.Kunkel@OhioAttorneyGeneral.gov  
Janean.Weber@OhioAttorneyGeneral.gov  
*Counsel for Plaintiff State of Ohio*

s/ Michael J. O'Callaghan  
Michael J. O'Callaghan (0043874)  
Shumaker Loop & Kendrick., LLP  
41 S. High Street, Suite 2400  
Columbus, Ohio 43215-6104  
mocallaghan@shumaker.com  
*Counsel for Trabue Dublin, LLC*

s/ James M. Schottenstein  
James M. Schottenstein (0016639)  
Schottenstein Legal Services Co., LPA  
492 S. High Street, Suite 200  
Columbus, Ohio 43215  
jim@schottensteinlaw.com  
*Counsel for SRDH, LLC*

## **CERTIFICATE OF SERVICE**

This certifies that on September 15, 2021, the foregoing was served by filing through the Court's CM/ECF system, which electronically notified:

John E. Breen  
Breen Law  
7761 Chetwood Close, Suite 100  
New Albany, Ohio 43054  
jbbreenlaw@aol.com  
*Counsel for Defendants John G. Breen,  
Janice Breen, and John E. Breen*